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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,610	09/25/2006	Simcha Gendelman	4529/97323	5371
24628 7590 11/04/2010 Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
EXAMINER				
KANERVO, VIRPI H				
ART UNIT		PAPER NUMBER		
3691				
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11/04/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,610

Applicant(s)

GENDELMAN, SIMCHA

Examiner

VIRPI H. KANERVO

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14, 16, 17, 19, 20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16, 17, 19, 20 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 11-14, 16-17, 19-20, and 23-30, are presented for examination. Applicant filed an amendment on 08/03/2010 amending claims 11, 14, 16-17, 23, 25-26, and 28. In light of Applicant's amendment, Examiner has withdrawn the grounds of the prior art rejection. However, Examiner has established new grounds of prior art rejection for claims 11-14, 16-17, 19-20, and 23-30, in the instant Office action. Since the new grounds of prior art rejection were necessitated by Applicant's amendment of claims, the rejection of claims 11-14, 16-17, 19-20, and 23-30, is a FINAL rejection of the claims.

Response to Arguments

2. Examiner has carefully considered Applicant's arguments directed to the prior art rejection of claims 11-14, 16-17, 19-20, and 23-30, but finds them moot in view of the new grounds of prior art rejection established in the instant Office action necessitated by Applicant's amendment of the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(b) A person shall be entitled to a patent unless the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-14, 16, 19-20, and 25-29, are rejected under 35 U.S.C. § 102(e) as being anticipated by Hobson (7,292,999 B2).

As to claim 11, Hobson shows an input device (Hobson: col. 6, lines 38-59) receiving prepaid card identification indicia (Hobson: col. 8, lines 61-67; and col. 9, line 1), in a form different from a credit card number (Hobson: col. 13, lines 1-16), from a prepaid card issued to a customer by a prepaid card issuer when said prepaid card is presented in payment by said customer (Hobson: col. 14, lines 61-67), said prepaid card issuer having a credit card account identified by a credit card number (Hobson: col. 5, lines 5-11); and a processor, identifying said credit card number by using said prepaid card identification indicia, said credit card number being different from said prepaid card identification indicia, and to communicating said credit card number to a credit card server which processes a credit card transaction, charging said payment to said credit card account

(Hobson: col. 5, lines 5-11; col. 14, lines 40-67; col. 15, lines 1-32; and col. 16, lines 14-16).

As to claim 12, Hobson shows all the elements of claim 11. Hobson also shows that said input device is a card reader (Hobson: col. 14, lines 47-50).

As to claim 13, Hobson shows all the elements of claim 11. Hobson also shows that said input device is a keyboard (Hobson: col. 6, lines 38-40).

As to claim 14, Hobson shows all the elements of claim 11. Hobson also shows that said processor is operative to verify validity of said prepaid card identification indicia prior to processing said credit card transaction (Hobson: col. 13, lines 1-14).

As to claim 16, Hobson shows all the elements of claim 11. Hobson also shows a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card (Hobson: col. 14, lines 47-54).

As to claim 19, Hobson shows all the elements of claim 11. Hobson also shows a storage device for storing said credit card number (Hobson: col. 5, lines 8-11; note that this is a statement of intended use or a field of use).

As to claim 20, Hobson shows all the elements of claim 11. Hobson also shows that said point of sale terminal receives, from a remote server, said credit card number (Hobson: col. 5, lines 8-11 and 23-25; and Hobson: col. 13, lines 1-16).

As to claim 25, Hobson shows all the elements of claim 11. Hobson also shows that said processor enables said credit card number to be accessed at said point of sale terminal using said prepaid card identification indicia (Hobson: col. 13, lines 1-16).

As to claim 26, Hobson shows all the elements of claim 11. Hobson also shows that said processor enables said credit card number to be identified at said point of sale terminal by accessing a lookup table based on said prepaid card identification indicia (Hobson: col. 15, lines 1-10).

As to claim 27, Hobson shows all the elements of claim 16. Hobson also shows that said credit card number is stored at said remote server (Hobson: col. 5, lines 8-11; and Hobson: col. 13, lines 1-16).

As to claim 28, Hobson shows all the elements of claim 16. Hobson also shows that said processor enables said credit card number to be accessed at said remote server using said prepaid card identification indicia (Hobson: col. 5, lines 8-11; and col. 13, lines 1-16).

As to claim 29, Hobson shows all the elements of claim 16. Hobson also shows that said processor identifies said credit card number by sending said prepaid card identification indicia to a remote server which includes a lookup table (Hobson: col. 15, lines 1-10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 17 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobson in view of Zampese (6,014,650).

As to claim 17, Hobson shows all the elements of claim 16. Hobson does not show that said remote server communicates information regarding a balance remaining on said prepaid card, via said communicator, to said terminal. Zampese shows that said remote server communicates information regarding a balance remaining on said prepaid card, via said communicator, to said terminal (Zampese: col. 5, lines 15-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Hobson by said remote server communicating information regarding a balance remaining on said prepaid card, via said communicator, to said terminal of Zampese in order to check the sufficiency of the funds available (Zampese: col. 5, lines 15-16).

As to claim 30, Hobson shows all the elements of claim 16. Hobson does not show that said validity of said prepaid card relates to balance information. Zampese shows that said validity of said prepaid card relates to balance information (Zampese: col. 5, lines 15-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Hobson by said validity of said prepaid card relating to balance information of Zampese in order to check the sufficiency of the funds available (Zampese: col. 5, lines 15-16).

7. Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobson in view of Spear (7,752,134 B2).

As to claim 23, Hobson shows all the elements of claim 11. Hobson does not show that said point of sale terminal transmits information to a credit card transaction clearinghouse, said information including said credit card number. Spear shows that said point of sale terminal transmits information to a credit card transaction clearinghouse, said information including said credit card number (Spear: col. 3, lines 52-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Hobson by said point of sale terminal transmitting information to a credit card transaction clearinghouse, said information including said credit card number of Spear in order to obtain approval and settlement (Spear: col. 3, line 54).

8. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobson in view of Bellosguardo (7,222,097 B2).

As to claim 24, Hobson shows all the elements of claim 11. Hobson does not show that said credit card account is associated with a plurality of said prepaid cards. Bellosguardo shows that said credit card account is associated with a plurality of said prepaid cards (Bellosguardo: col. 4, lines 40-44). It would have

been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Hobson by said credit card account being associated with a plurality of said prepaid cards of Bellosguardo in order to provide anonymous purchase of goods or services (Bellosguardo: col. 4, line 64).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is 571-272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691